

AN ORDINANCE

99198

AUTHORIZING THE ASSIGNMENT OF A PROFESSIONAL SERVICES AGREEMENT FROM KEI CONSULTANTS, LTD., TO HARTNETT ENGINEERED SOLUTIONS, INC., FOR THE DURATION OF THE CONTRACT PERIOD IN ACCORDANCE WITH SECTION XI, ASSIGNMENT OR TRANSFER OF INTEREST AND PERFORMANCE OBLIGATIONS UNDER THE "STAND-BY PROFESSIONAL SERVICES AGREEMENT FOR NON-ASBESTOS ENVIRONMENTAL SERVICES", WHICH WAS AUTHORIZED UNDER ORDINANCE NO. 95384, PASSED ON FEBRUARY 28, 2002.

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WHEREAS, Ordinance Number 95384, passed and approved on February 28, 2002, authorized a "Stand-by Professional Services Agreement for Non-Asbestos Environmental Services" ("Agreement") with KEI Consultants, Ltd. (KEI); and

WHEREAS, in accordance with the terms of said Agreement, the City may consent to assignment of the contract and its performance obligations upon satisfaction of conditions of the Texas Professional Services Procurement Act, and KEI has requested that said Agreement be assigned to Hartnett Engineered Solutions, Inc. (HES), for the remainder of the term ending March 10, 2005; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Consent is hereby granted for assignment of the "Stand-by Professional Services Agreement for Non-asbestos Environmental Services" ("the contract") from KEI Consultants, Ltd. (KEI) (Assignor), to Hartnett Engineered Solutions, Inc. (Hartnett) (Assignee), which contract was initially approved through Ordinance Number 95384, passed February 28, 2002. The City Manager or her designee is hereby authorized to execute any and all documents necessary to implement this Ordinance. Consent to assignment of the contract is hereby granted for consideration of Assignee Hartnett's promise to faithfully perform the contract in all its terms according to a substantial copy of the Consent to Assignment appended hereto as Attachment I, which Consent may be adjusted by the Office of the City Attorney for the benefit if the City of San Antonio.

SECTION 2. The contract terms are amended only to the extent that Hartnett Engineered Solutions, Inc., shall be substituted in the stead of KEI Consultants, Ltd., as contractor and provider of the contract services.

SECTION 3. Payment for services under the above recited contract shall be from various project specific funds to be reimbursed through journal entries from other project or departmental funds to be identified at the time respective projects are requested. Financial adjustments to effect this Ordinance are further approved as follows:

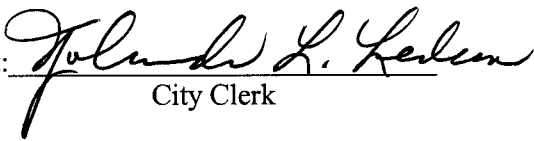
(a) The budget and encumbrance in fund 40-002082, Other Capital Projects, Street Improvements, shall be revised by reducing index code 531590, entitled Engineering Contract: KEI, by the amount of \$132,647.18.

(b) The amount of \$132,647.18 is appropriated in fund 40-002082, Other Capital Projects, Street Improvements, in index code 669192, entitled Engineering Contract: HES, and is authorized to be encumbered and made payable to Hartnett Engineered Solutions, Inc.

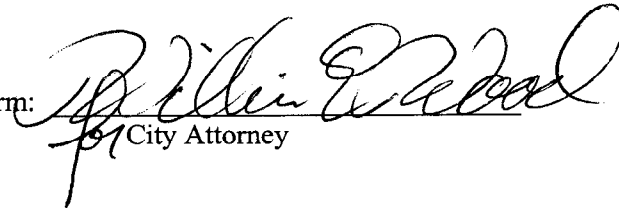
(c) The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance shall be effective on May 30th, 2004.

PASSED and APPROVED this 20th day of May, 2004.

Attest: 
City Clerk


M A Y O R
EDWARD D. GARZA

Approved as to form: 
City Attorney